

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DANIEL BARELA and ERICA  
BEGAY, on behalf of themselves  
and others similarly situated

Plaintiffs,

v.

Civ. No. 11-506 WJ/GBW

CITICORP USA, INC.,

Defendant.

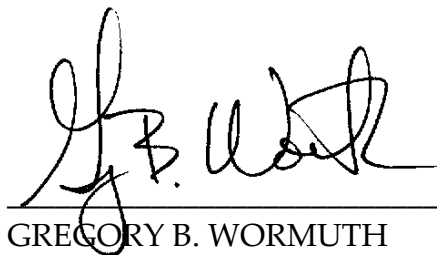
**ORDER SUSTAINING OBJECTIONS AND ORDERING PAYMENT**

THIS MATTER comes before the Court on a review of Defendant's Objections to Plaintiffs' Affidavits for Fees (*doc. 55*). Plaintiffs responded and the Court held a hearing on the matter on January 7, 2013. *See docs. 58, 61*. As discussed at the hearing, the Court agrees with Defendant that the hourly rate sought by Plaintiffs is not appropriate in these circumstances. Moreover, a significant portion of the hours submitted were either excessive or will be useful as the case proceeds.

Consequently, the Court will sustain Defendant's objections to the hourly rate and instead use the market rates proposed by Defendant. *See doc. 55* at 9. The Court will also sustain Defendant's objections to the time spent as detailed in Exhibit C except the objection to the time spent on opposition to the motion to stay. *See id.*, Ex. C.

Therefore, the Court will order Defendant to pay the following amounts pursuant to the ruling in Order for Defendant to Pay Plaintiffs' Costs and Attorneys' Fees (*doc. 54*): (1) \$3636.00 to Youtz & Valdez, P.C., and (2) \$31,233.37 to Franklin D. Azar & Associates. Such payments will be made no less than 30 days from the date of this Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE